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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,955	12/13/2005	Maik Rabe	10191/4172	1384
26646 7590 08/19/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER BERNSTEIN, ALLISON				
ART UNIT 2824		PAPER NUMBER		
MAIL DATE 08/19/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/537,955

**Applicant(s)**

RABE ET AL.

**Examiner**

ALLISON P. BERNSTEIN

**Art Unit**

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to the Request for Continued Examination, filed 27 June 2008.

Acknowledgment is made of applicant's amendment, filed on 27 June 2008. The changes and remarks disclosed therein have been considered.

Claims 11 and 13-23 are pending in the application. Claims 11, 13, and 22 are currently amended. Claims 11 and 22 are independent claims.

### ***Claim Objections***

Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 13 recites the limitation, "wherein each of the first magnetic layer and the second magnetic layer is a magnetically hard layer". This is contradictory to the limitations of claim 11, from which claim 13 depends, which state that *either* the first magnetic layer is a magnetically soft layer and the second magnetic layer is a magnetically hard layer *or* that the first magnetic layer is a magnetically hard layer and the second magnetic layer is a magnetically soft layer.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 11, 13, 15-17, and 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakima et al. (US 5,841,611) ("Sakakima") in view of Lambeth et al. (US 6,248,416) ("Lambeth").

3. **Regarding claim 11**, Sakakima discloses, in figure 24, a magneto-resistive layer system comprising: a magneto-resistive layer stack (including, for example, 103, 102, 103 at the top of the figure); and at least one layer arrangement situated in an environment of the magneto-resistive layer stack working on the basis of one of a GMR effect and an AMR effect, which generates a resulting magnetic field acting upon the magneto-resistive layer stack, the layer arrangement including a first magnetic layer (including 101 or 103 below magneto-resistive stack), a second magnetic layer (including 101 or 103 below magneto-resistive stack), and a non-magnetic intermediate layer (including 102 below magneto-resistive stack) separating the first magnetic layer (including 101 or 103 below magneto-resistive stack) and the second magnetic layer (including 101 or 103 below magneto-resistive stack) from one another, the first magnetic layer and the second magnetic layer being ferromagnetically exchange-coupled via the intermediate layer; wherein one of: (a) the first magnetic layer (for example 103) is a magnetically soft layer, made of CoFe, Co, and magnetic alloys containing these materials (column 4 lines 25-26), and the second magnetic layer (for

example 103) is a magnetically hard layer and (b) the first magnetic layer is a magnetically hard layer, made of CoSm, and the second magnetic layer is a magnetically soft layer, made of CoFe, Co and magnetic alloys containing these materials (see also 1, 2, 3 in figure 1, and 103, 102-1, 102-2, 102-1, 101 in figure 22).

4. Sakakima does not disclose wherein the magnetically hard layer is made of CoSm.
5. Lambeth discloses a magnetically hard layer that is made of CoSm (column 11 lines 32-37).
6. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the device of Sakakima with a magnetically hard layer that is made of CoSm in view of the teachings of Lambeth since Co alloys are commonly used in the art for hard magnetic layers.
7. **Regarding claim 13**, the Sakakima/Lambeth combination discloses, in figure 24, the magneto-resistive layer system according to claim 11, wherein each of the first magnetic layer (for example 101) and the second magnetic layer (for example 101) is a magnetically hard layer, made of CoSm (column 11 lines 32-37).
8. **Regarding claim 15**, the Sakakima/Lambeth combination discloses, in figure 24, the magneto-resistive layer system according to claim 11, wherein the magneto-resistive layer stack has a third magnetic layer (including 101 or 103 below 1<sup>st</sup> and 2<sup>nd</sup> magnetic layers) and a fourth magnetic layer (including 101 or 103 below 1<sup>st</sup> and 2<sup>nd</sup> magnetic layers) which are separated from one another by a second non-magnetic intermediate layer (including 102 below 1<sup>st</sup> non-magnetic layer), and the non-magnetic

intermediate layer of the layer arrangement and the second non-magnetic intermediate layer of the magneto-resistive layer stack at least one of (a) are at least substantially made of the same material and (b) have a substantially equal thickness (column 4 lines 34-35).

9. **Regarding claim 16**, the Sakakima/Lambeth combination discloses, in figure 24, the magneto-resistive layer system according to claim 11, wherein the non-magnetic intermediate layer (102) is made of at least one of (a) copper, (b) an alloy one of including and made of copper, (c) silver and gold, and (d) ruthenium (column 4 lines 34-35).

10. **Regarding claim 17**, the Sakakima/Lambeth combination discloses, in figure 24, the magneto-resistive layer system according to claim 11, wherein the layer arrangement is situated at least one of (a) on top of, (b) underneath and (c) next to the magneto-resistive layer stack (see figure 24, the layer arrangement could be for example underneath the magneto-resistive layer stack).

11. **Regarding claim 20**, the Sakakima/Lambeth combination discloses, in figure 24, the magneto-resistive layer system according to claim 11, wherein, in response to a change in a temperature to which the magneto-resistive layer system (figure 24) is exposed, one of a changing sensitivity and a shifting working point of the magneto-resistive layer stack (including, for example, 103, 102, 103 at the top of the figure) with respect to an external magnetic field to be measured with respect to at least one of strength and direction, is at least partially compensated within a predefined temperature interval by the resulting magnetic field generated by the layer arrangement (including

101/103, 102, and 101/103 below magneto-resistive stack), which also changes as a result of the temperature change (this is a recitation of intended use of the claimed invention).

12. **Regarding claim 21**, the Sakakima/Lambeth combination discloses, in figure 24, the magneto-resistive layer system according to claim 20, wherein the compensation is performed completely and the temperature interval is  $-30^{\circ}\text{C}$  to  $+200^{\circ}\text{C}$  (this is a recitation of intended use of the claimed invention).

13. **Regarding claim 22**, Sakakima discloses, in figure 24, a sensor element comprising a magneto-resistive layer system, the magneto-resistive layer system including: a magneto-resistive layer stack (including, for example, 103, 102, 103 at the top of the figure); and at least one layer arrangement situated in an environment of the magneto-resistive layer stack working on the basis of one of a GMR effect and an AMR effect, which generates a resulting magnetic field acting upon the magneto-resistive layer stack, the layer arrangement including a first magnetic layer (including 101 or 103 below magneto-resistive stack), a second magnetic layer (including 101 or 103 below magneto-resistive stack), and a non-magnetic intermediate layer (including 102 below magneto-resistive stack) separating the first magnetic layer and the second magnetic layer from one another, the first magnetic layer and the second magnetic layer being ferromagnetically exchange-coupled via the intermediate layer; wherein one of: (a) the first magnetic layer (for example 103) is a magnetically soft layer, made of CoFe, Co, and magnetic alloys containing these materials (column 4 lines 25-26), and the second magnetic layer (for example 103) is a magnetically hard layer and (b) the first magnetic

layer is a magnetically hard layer, made of CoSm and the second magnetic layer is a magnetically soft layer, made of CoFe, Co and magnetic alloys containing these materials (see also 1, 2, 3 in figure 1, and 103, 102-1, 102-2, 102-1, 101 in figure 22).

14. Sakakima does not disclose wherein the magnetically hard layer is made of CoSm.

15. Lambeth discloses a magnetically hard layer that is made of CoSm (column 11 lines 32-37).

16. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the device of Sakakima with a magnetically hard layer that is made of CoSm in view of the teachings of Lambeth since Co alloys are commonly used in the art for hard magnetic layers.

17. **Regarding claim 23**, the Sakakima/Lambeth combination discloses, in figure 24, the sensor element according to claim 22, wherein the sensor element is for detecting magnetic fields with respect to at least one of strength and direction (this is a recitation of intended use of the claimed invention).

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 14, 18, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakima et al. (US 5,841,611) ("Sakakima") in view of Lambeth et al. (US 6,248,416) ("Lambeth") as applied to claim 11 above, and further in view of Den (US 6,611,034).

20. **Regarding claim 14**, the Sakakima/Lambeth combination discloses the magneto-resistive layer system according to claim 11.

21. The Sakakima/Lambeth combination does not disclose expressly wherein the first magnetic layer has a different thickness than the second magnetic layer.

22. Den discloses, in figure 2B, the magneto-resistive layer system according to claim 11, wherein the first magnetic layer (16) has a different thickness than the second magnetic layer (17) (column 5 lines 25-27).

23. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the device of Sakakima/Lambeth with a first magnetic layer that has a different thickness than the second magnetic layer in view of the teachings of Den for the purpose of increasing the stability of the hard (i.e. thicker) magnetic layer (column 7 lines 10-20 of Den).

24. **Regarding claim 18**, the Sakakima/Lambeth/Den combination further discloses, in figure 2B of Den, the magneto-resistive layer system according to claim 11, wherein at least one of the first magnetic layer and the second magnetic layer has a thickness between 10 nm and 100 nm (column 6 lines 25-30 of Den).

25. **Regarding claim 19**, the Sakakima/Lambeth/Den combination further discloses, in figure 2B of Den, the magneto-resistive layer system according to claim 18, wherein the thickness is between 20 nm and 50 nm (column 6 lines 25-30 of Den).

### ***Response to Arguments***

26. Applicant's arguments with respect to claims 11 and 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLISON P. BERNSTEIN whose telephone number is (571)272-9011. The examiner can normally be reached on M-Tu 5:30am-5pm, W 5:30am-4pm, Th 5:30am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on 571-272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**APB**

**/ANH PHUNG/**

**Primary Examiner, Art Unit 2824**